

PROB 12A  
(06/15)**ENTERED**

September 20, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT**  
**for the**  
**SOUTHERN DISTRICT OF TEXAS**

**Report on Offender Under Supervision – No Court Action Required**

Name of Offender: Brian Kerstetter Case Number: 4:12CR00025-003

Name of Sentencing Judge: The Honorable Kenneth M. Hoyt

Date of Original Sentence: July 23, 2012

Original Offense: Willfully causing bodily injury to another because of actual or perceived race, color, or national origin in violation of 18 § 249

Original Sentence: 77 months custody of the U.S. Bureau of Prisons, followed by a 3 year term of supervised release. Special Conditions: drug treatment and testing, mental health treatment; Special Assessment: \$100

Type of Supervision: Supervised Release Supervision Started: July 27, 2017

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**EARLIER COURT ACTION**

September 5, 2017: The Court concurred with the recommendation of the United States Probation Office to allow the offender to attend outpatient drug treatment following a positive urinalysis for cocaine.

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**NONCOMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

**Violation Number**   **Nature of Noncompliance**

**1                      Illegal Possession of a Controlled Substance**

On or about August 22, 2017, Brian Kerstetter possessed and used amphetamines, a controlled substance not prescribed by a physician, as evidenced by a urine specimen submitted by him to United States Probation Officer Scott Cooper. Said specimen tested positive for amphetamines through laboratory analysis. The possession alleged above is a violation of 21 U.S.C. § 844. On September 13, 2017, the offender admitted to this officer he used amphetamines when he took the illegal narcotic "Molly" a few days prior to submitting the urine sample on August 22, 2017.

RE: Brian Kerstetter  
Dkt. No. 4:12CR00025-003

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**U.S. Probation Officer Action:**

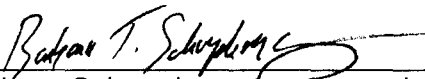
As a controlling intervention, Mr. Kerstetter was verbally admonished for his continued use of illegal narcotics. He was warned further noncompliance would result in Court action. He stated he understood and agreed to comply as instructed.

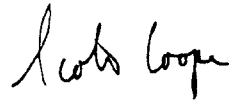
As a correctional intervention, Mr. Kerstetter will be referred to inpatient drug treatment for a minimum of 45 days.

It is respectfully recommended that the Court take no adverse action relative to this noncompliance, but reserves the right to reconsider this violation if future noncompliant behavior continues.

Approved:

Respectfully submitted,

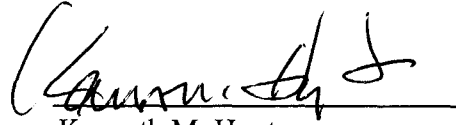
  
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Barbara Schoephoerster, Supervising  
United States Probation Officer

By:   
\_\_\_\_\_  
Scott Cooper  
United States Probation Officer

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- ☒ Court Concurs with Recommended Action  
☐ Submit a Request for Modifying the Condition(s) or Term of Supervision  
☐ Submit a Request for Warrant or Summons  
☐ Other:

  
Kenneth M. Hoyt  
U. S. District Judge

9-18-17  
Date